

1 DOUGLAS J. FARMER, Cal. Bar No. 139646  
doug.farmer@ogletreedeakins.com  
2 DAVID D. SOHN, Cal Bar No. 221119  
david.sohn@ogletreedeakins.com  
3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
Steuart Tower, Suite 1300  
4 One Market Plaza  
San Francisco, California 94105  
5 Telephone: 415-442-4810  
Facsimile: 415-442-4870

6 Attorneys for Defendant  
7 KRAFT FOODS GLOBAL, INC.

8 JOHN C. ELSBREE, Cal. Bar No. 104397  
9 580 California Street, Suite 1600  
San Francisco, CA 94014  
10 Telephone: 415-738-8009  
Facsimile: 415-738-8009

11 KATHLEEN A. O'REILLY, Cal. Bar No. 117193  
12 kathleen.a.oreilly@comcast.net  
516 Dix Way  
13 San Jose, CA 94125  
14 Telephone: 408-445-1271  
Facsimile: 408-445-2209

15 Attorneys for Plaintiff  
16 DANIEL DRAKE

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18 UNITED STATES DISTRICT COURT  
19  
20 NORTHERN DISTRICT OF CALIFORNIA

21 DANIEL DRAKE,

22 Plaintiff,

23 v.

24 KRAFT FOODS GLOBAL, INC.;  
NABISCO, INC.; and  
25 Does 1 through 20, inclusive,

26 Defendants.

27 Case No. C 08-04824 SI  
28

STIPULATION TO CONTINUE INITIAL  
CASE MANAGEMENT CONFERENCE  
DEADLINES; AND [PROPOSED] ORDER

Action Filed: November 30, 2007  
Trial Date: None set

1 STIPULATION

2 Plaintiff Daniel Drake ("Plaintiff"), through his counsel of record, and Defendant Kraft  
3 Foods Global, Inc. ("Defendant"), through its counsel of record, hereby stipulate and agree as  
4 follows:

5 1. Plaintiff filed his initial Complaint in San Francisco Superior Court on November  
6 30, 2007. Defendant was never served with Plaintiff's initial Complaint.

7 2. Plaintiff subsequently filed his First Amended Complaint on August 7, 2008.

8 Plaintiff's First Amended Complaint alleges the following causes of action: (i) disability  
9 discrimination; (ii) failure to reasonably accommodate known physical disability; (iii) failure to  
10 engage in timely good faith interactive process with employee; (iv) age discrimination; and (v)  
11 wrongful termination in violation of public policy. Defendant was served with the First Amended  
12 Complaint on September 22, 2008.

13 3. Defendant timely removed Plaintiff's lawsuit to this Court on October 22, 2008.

14 Upon removal, this action was assigned to U.S. Magistrate Judge Edward M. Chen.

15 4. On January 6, 2009, Defendant filed a Declination to Proceed Before a U.S.  
16 Magistrate Judge. On January 9, 2009, this action was assigned to U.S. District Judge Susan  
17 Illston.

18 5. Since removal of this lawsuit, Plaintiff and Defendant (collectively, "the Parties"),  
19 through their respective counsel of record, have engaged in multiple discussions to determine the  
20 feasibility of resolving this matter through private mediation.

21 6. The Parties have agreed to mediate this matter in front of Hon. Rebecca Westerfield  
22 no later than April 23, 2009. The Parties filed a Stipulation to ADR Process on February 3, 2009.

23 7. In light of the foregoing, the Parties have agreed to the following revised case  
24 management schedule subject to the Court's approval:

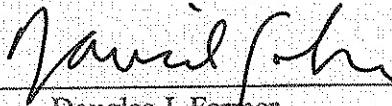
- 25 a. May 1, 2009 is the last date to meet and confer regarding initial disclosures.  
26 b. May 8, 2009 is the last date to file a Rule 26(f) Report, to complete initial  
27 disclosures or to state objections in the Rule 26(f) Report, and to file a Case  
28 Management Statement.

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2 c. The initial Case Management Conference in Courtroom 10, 19th Floor, will be held  
3 at 2:00 p.m. on May 15, 2009.  
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5 IT IS SO STIPULATED.  
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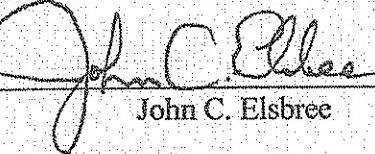
7 DATED: February 6, 2009  
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9 OGLETREE, DEAKINS, NASH, SMOAK &  
10 STEWART, P.C.  
11

12 By:   
13 Douglas J. Farmer  
14 David D. Sohn  
15

16 Attorneys for Defendant  
17 KRAFT FOODS GLOBAL, INC.  
18

19 DATED: February 6, 2009  
20

21 By:   
22 John C. Elsbree  
23

24 Attorneys for Plaintiff  
25 DANIEL DRAKE  
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**ORDER**  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Hon. Susan Illston  
U.S. District Judge

DATED: February \_\_\_\_\_, 2009